

**FLATHEAD COUNTY BOARD OF ADJUSTMENT  
MINUTES OF THE MEETING  
MARCH 1, 2016**

**CALL TO ORDER**      A meeting of the Flathead County Board of Adjustment was called to order at  
*6:01pm*                      approximately 6:00 p.m. at the Earl Bennett Building, Conference Rooms A  
and B, 1035 1<sup>st</sup> Ave W, Kalispell, Montana. Board members present were Gina  
Klempel, Mark Hash, Ole Netteberg and Cal Dyck. Roger Noble had an  
excused absence. Mark Mussman, Erik Mack and Donna Valade represented  
the Flathead County Planning & Zoning Office.

There were 27 people in the audience.

**APPROVAL OF**      Klempel motioned and Dyck seconded to approve the February 2, 2016  
**MINUTES**                      minutes as provided in the meeting packet.  
*6:01 pm*

The motion passed unanimously.

**ELECTION OF**      The Board postponed the election of officers until a full Board is present  
**OFFICERS**

*6:01 pm*

**PUBLIC**                      None.  
**COMMENT**

*6:02 pm*

**DAVID VAN**                      A request, by David Van Buren, representing Word of Life for a conditional  
**BUREN/WORD**                      use permit to establish a ‘church’ on property within the Westside Zoning  
**OF LIFE**                                      District and zoned R-1 (Suburban Residential). The subject property is located  
*(FCU-15-11)*                                      at the north end of Hathaway Lane and contains approximately 5.6 acres. **This**  
*6:02 pm*    **agenda item was postponed at the February 2, 2016 Board of Adjustment**  
**meeting.**

**STAFF REPORT**                      Mack reviewed Staff Report FCU-15-11 for the Board.  
*6:02 pm*

**BOARD**                                      Hash stated he may have questions regarding concerns voiced in a letter from  
**QUESTIONS**                                      Rocky Mountain Law.  
*6:03 pm*

**APPLICANT**                                      David Van Buren gave background of the church. He stated they had been  
**PRESENTATION**                                      looking for a permanent place for the past 7 years and thought this would suit  
*6:03 pm*    their needs. Mr. Van Buren presented a PowerPoint addressing the neighbors’  
concerns over noise, traffic, and the family life center. The parking lot was  
reconfigured to meet all requirements and would be paved, with minimal  
impact from traffic, noise, vibration, dust, etc. On-site storm drainage, septic

and water availability has been assessed and deemed adequate.

**BOARD  
QUESTIONS**  
*6:22 pm*

None

**PUBLIC  
COMMENT**  
*6:22 pm*

Ben Parsons, 1004 2<sup>nd</sup> Ave East, Kalispell, spoke in favor of building the church.

Josephine Parsons, PO Box 190883, Hungry Horse, spoke in favor saying it would bring good quality people to the neighborhood.

Larry Parsons, 11885 Highway 2 East, West Glacier, said he thought a church would not have an adverse effect and would actually benefit the community.

Michael Stone, 1415 Yodel Dog Peak, Kalispell, MT 59901, spoke in favor saying it would have a positive impact on neighbors.

**STAFF  
REBUTTAL**  
*6:31 pm*

None

**APPLICANT  
REBUTTAL**  
*6:31 pm*

None

**BOARD  
DISCUSSION**  
*6:32 pm*

Hash asked Mack about the lack of comment from MDT and if there was an issue would they make a comment.

Mack stated they would call out any concerns in their letter.

Klempel asked if there was a traffic study.

Mack said no.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FCU-15-11)**  
*6:34 pm*

Netteberg made a motion seconded by Klempel to adopt the Findings-of-Fact as written.

**BOARD  
DISCUSSION**  
*6:34 pm*

None

<b>ROLL CALL TO ADOPT F.O.F.</b> <i>(FCU-15-11)</i> <i>6:34 pm</i>	On a roll call vote the motion passed unanimously.
<b>BOARD DISCUSSION</b> <i>6:34 pm</i>	None
<b>MAIN MOTION TO APPROVE</b> <i>(FCU-15-11)</i> <i>6:35 pm</i>	Klempel made a motion seconded by Dyck to accept Staff Report FCU-15-11 as Findings-of-Fact and Approve the Conditional Use Permit
<b>BOARD DISCUSSION</b> <i>6:35 pm</i>	None
<b>ROLL CALL TO APPROVE</b> <i>(FCU-15-11)</i> <i>6:35 pm</i>	On a roll call vote the motion passed unanimously.
<b>FALCON PEAK LLC</b> <i>(FCU 16-01)</i> <i>6:36 pm</i>	A request from George J. Joseph, on behalf of Falcon Peak LLC, for a conditional use permit to build a 10-unit apartment building on property located within the Evergreen Zoning District and zoned RA-1 (Residential Apartment). The subject property contains approximately 0.50 acres; is located at 34 West Evergreen Drive.
<b>STAFF REPORT</b> <i>6:37 pm</i>	Valade reviewed Staff Report FCU-16-01 for the Board.
<b>BOARD QUESTIONS</b> <i>6:38 pm</i>	None.
<b>APPLICANT PRESENTATION</b> <i>6:39 pm</i>	George Joseph, 18 Mountainside Drive, Kalispell, spoke of the other four (4) units he has built, and the need for affordable housing in the area. He had worked with the planning office to meet the required setbacks and conditions to make the project work on that site.
<b>BOARD QUESTIONS</b> <i>6:39 pm</i>	None

**PUBLIC  
COMMENT**  
*6:40 pm*

Victor Nelson, 44 W. Evergreen Drive, Kalispell, spoke in opposition. He had concerns about setbacks, water rights, traffic, his view and his privacy. He also had concerns about water drainage, decomposition and the closeness of the building to his property line.

John Minnehan, 46 W Evergreen Drive, Kalispell, stated he finds the building to be obtrusive. He also had concerns about the traffic, noise and his view.

**STAFF  
REBUTTAL**  
*7:00 pm*

None

**APPLICANT  
REBUTTAL**  
*6:53 pm*

Joseph addressed the 15 foot setback and stated the water would be hard-lined into a dry well away from neighbors' property.

Hash asked, if the way the water would be hard-lined was in the application.

Joseph stated it was on the site plan.

Joseph spoke to the concerns about open space, traffic, and the quality of tenants.

**BOARD  
DISCUSSION**  
*7:00 pm*

Hash asked about the setbacks being 25 feet.

Mack stated the setback for this building would be at least 15 feet plus whatever the other property owners were setback from their property line.

Hash asked about the traffic study.

Mack described the formula used in the traffic study.

Hash asked when it would get to a level where the increase in traffic would be deemed unsafe.

Mack stated it depends on the classification of the road, but if the road department doesn't have concerns then neither would the planning office.

Hash, Mack, and Joseph discussed at length concerns about water capture and surface water being directed away from the neighbor's property.

Hash, Mack, and Mussman also discussed at length privacy screening between the subject property and the neighbors.

<p><b>MAIN MOTION TO ADOPT F.O.F. (FCU-16-01) 7:25 pm</b></p>	<p>Dyck made a motion seconded by Netteberg to adopt the Findings-of-Fact as written.</p>
<p><b>BOARD DISCUSSION 7:25 pm</b></p>	<p>None</p>
<p><b>ROLL CALL TO ADOPT F.O.F. (FCU-16-01) 7:25 pm</b></p>	<p>On a roll call vote the motion passed unanimously.</p>
<p><b>BOARD DISCUSSION 7:26 pm</b></p>	<p>None</p>
<p><b>MAIN MOTION TO APPROVE (FCU 16-01) 7:26 pm</b></p>	<p>Dyck made a motion seconded by Klempel to adopt Staff Report FCU-16-01 as Findings-of-Fact and Approve the Conditional Use Permit</p>
<p><b>BOARD DISCUSSION 7:26 pm</b></p>	<p>None</p>
<p><b>ROLL CALL TO APPROVE (FCU-16-01) 7:26 pm</b></p>	<p>On a roll call vote the motion passed unanimously.</p>
<p><b>NEW BUSINESS 7:26 pm</b></p>	<p>None</p>
<p><b>OLD BUSINESS 7:27 pm</b></p>	<p>None</p>

**ADJOURNMENT**  
7:27 pm

Netteberg made a motion seconded by Dyck to adjourn the meeting. The next meeting will be April 5, 2016.

*Gene Klengel for Mark Hash*  
C. Mark Hash, Chairman

*D. Thornton*  
Danene Thornton, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 4/16